AO 441 (Rev. 9/00) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

PLAINTIFF
ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.

V. DEFENDANT AND THIRD PARTY PLAINTIFF
NOVAK CONSTRUCTION COMPANY, an Illinois corporation,

V. THIRD PARTY DEFENDANT
RESTAURANT SPECIALTIES, INC., KIEFFER & CO., INC. and AERO ELECTRIC & COMMUNICATIONS,

Alias THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07 C 7149

ASSIGNED JUDGE: Samuel Der-Yeghiayan

DESIGNATED MAGISTRATE JUDGE:

TO: Name and address of Third Party Defendant

Kieffer & Co., Inc
585 Bond Street
Lincolnshire, IL 60069
Registered Agent: Matthew Mele

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)
Matthew S. Ponzi/Megan E. Ritenour
Foran Glennon Palandech & Ponzi, PC
150 S. Wacker Drive-#100
Chicago, IL 60606

Christina L. Pawlowski
Denenberg Tuffley, PLLC
21 East Long Lake Road - Suite 200
Bloomfield Hills, MI 48304

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY (name and address)

Timothy R. Couture
Johnson & Bell, Ltd.
33 West Monroe Street - #2700
Chicago, IL 60603

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summo[ns] upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the reli[ef] demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You ha[ve] the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Ci[vil] Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under t[he] circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make yo[ur] defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

MICHAEL W. DOBBINS, CLERK

NADINE FINLEY
(By) DEPUTY CLERK

MAY 22 2008
DATE

CERTIFICATE OF SERVICE

The undersigned, Timothy R. Couture, hereby certifies that he caused the Affidavit of Special Process Server to Kieffer & Co. to be electronically filed with the CMT System for the United States District Court for the Northern District of Illinois and service was accomplished pursuant to the ECF for Filing Users on this 2nd day of June, 2008.

___/s/Timothy R. Couture_______________

AFFIDAVIT OF SPECIAL PROCESS SERVER

Allianz Global vs. Novak Construction et al 07C7149

Plaintiff/Petitioner vs. Defendant/Respondent Case No. #

Being duly sworn on my oath, I Anthony D'Alterano
declare that I am a citizen of the United States, over the age of eighteen and not a party to this action.

SERVICE

served Kieffer & Co.
NAME OF PERSON/ENTITY BEING SERVED

DOCUMENTS Third Party Complaint & Summons

by serving (NAME) ______
at ▯ Home ______
▯ Business ______
▯ on (DATE) ______ at (TIME) ______

Thereafter copies of the documents were mailed by prepaid first class mail on (DATE) ______
from (CITY) ______ (STATE) ______

MANNER OF SERVICE

▯ By Personal Service.
▯ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof, namely ______.
▯ By leaving copies at the usual place of abode of the person being served, with a member of the family of suitable age and explaining the general nature of the papers, namely ______.
▯ By posting copies in a conspicuous manner to the address of the person/entity being served.

NON-SERVICE

After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s): Address of 555 Bond St, Lincolnshire, Il is no good

SERVICE ATTEMPTS

Service was attempted on: ( ) 5-19-08 ( ) ______
DATE TIME DATE TIME

( ) ______ ( ) ______ ( ) ______
DATE TIME DATE TIME DATE TIME

PHYSICAL DESCRIPTION

▯ Male RACE AGE HEIGHT WEIGHT HAIR

▯ Female

State of Illinois County of Cook

Subscribed and sworn to before me
Notary public, this 22 day of May 2008

"OFFICIAL SEAL"
MICHELLE YANOFF
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/2/2010

NOTARY PUBLIC SERVED BY